

JUSTICE UPDATE 2009

Ministry of Justice
and Attorney General



December 2009

TO ALL MEMBERS OF THE LAW SOCIETY OF SASKATCHEWAN

I am pleased to provide summaries of legislation that was passed during the two 2009 sessions of the Legislative Assembly. There are a number of matters that I would like to draw to your attention.

1. *The Agreements of Sale Cancellation Amendment Act, 2009*

This Act amends *The Agreements of Sale Cancellation Act* to clarify the application of the Act by defining "contract or agreement for the sale of land". The Act also amends *The Land Contracts (Actions) Act* and *The Saskatchewan Farm Security Act* to include definitions of "agreement for sale" in each. This Act came into force on May 14, 2009.

2. *The Condominium Property Amendment Act, 2009*

This Act facilitates development of multi-use condominiums. It allows condominium corporations to be governed in sectors, facilitates titled parking and makes related amendments to accommodate developments with commercial and residential units in the same condominium complex. Extensive regulations required for implementation are currently under development. Proclamation is expected to occur by summer 2010.

3. *The Enforcement of Maintenance Orders Amendment Act, 2009*

This Act updates and clarifies the duties and powers of the Director and several enforcement measures. The amendments allow the Director to attach an annuity created by *The Workers' Compensation Act, 1979* and to seek security from a delinquent payor. The amendments also authorize the Director to collect less than the amount of support in a court order provided the requirements established in the Act are met, and allow the Director to revive a driver's licence suspension if a payor fails to follow through with payment arrangements. This Act came into force on May 14, 2009.

4. *The Land Titles Amendment Act, 2009*

This Act provides for compensation to lenders in a fraudulent transaction where they have met the due diligence standard for the lending and are not otherwise insured. The Act will also facilitate compensation in excess of title value for a home owner who loses title in a fraud and encounters additional costs and expenses in securing a replacement title. Additional amendments establish the Saskatchewan Grants Directory, provide for the limitation of fractional ownership of mineral titles and expand the discretion of the Registrar to establish special fees for specific client services. Certain provisions, including those regarding fees and the new Grant Directory, came into force on December 15, 2009, with the balance targeted for proclamation in Spring 2010.

5. ***The Missing Persons and Presumption of Death Act***

This new Act repealed and replaced *The Absentee Act* to provide greater certainty for individuals acting to preserve and administer the estates of missing persons. The Act also establishes provisions that consider the presumption of death to assist with the ultimate distribution of the property of a missing person if that person is not found despite efforts to the satisfaction of the court. The Act creates a clear position for the Public Guardian and Trustee and clearer provisions in general for all property guardians administering the estates of missing persons. The Act also includes an access to information provision to assist family members and law enforcement in obtaining information that will assist in the administration of the estate or attempts to locate the missing person. The Act came into force on September 28, 2009.

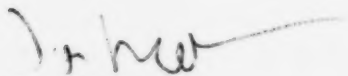
6. ***The Trespass to Property Act, 2009***

This Act came into force on July 1, 2009. It creates provincial offences for a number of trespassing situations, including entering onto land that is posted against trespass, failing to leave when asked to leave, and failing to stop an activity when asked to stop. It applies to all "premises", privately or publicly owned, except certain unoccupied Crown land. Tickets can be issued (for \$200) or charges laid, with maximum fines of \$2,000. Lawful hunting, fishing and trapping activities are exempt. Defenses to trespassing include the consent of the owner/occupier to be on the premises or to be doing the activity in question, or other "right or authority conferred by law" to be on the premises. No persons can be charged with trespass unless they have been advised, actually or constructively, to leave or not to enter.

7. ***The Trustee Act, 2009***

The Trustee Act, 2009 modernizes and enhances the legislation respecting trustees to reflect current trustee practices and principles. The changes include: establishing an explicit duty of care for trustees and distinguishing between the standard of care for professional and non-professional trustees; making non-judicial appointment and removal of trustees a practical alternative to a court application; providing that trustees have the necessary administrative powers to manage trust property on behalf of beneficiaries; and abolishing the rule against perpetuities. This Act will come into force on January 1, 2010.

Yours sincerely,



Don Morgan, Q.C.
Minister of Justice
and Attorney General

The Agreements of Sale Cancellation Amendment Act, 2009*
(Bill 44) Chapter 7
Sections 3, 5 and 7 amended on Third Reading.

This Act amends *The Agreements of Sale Cancellation Act* to clarify the application of the Act by defining "contract or agreement for the sale of land". The Act also amends *The Land Contracts (Actions) Act* and *The Saskatchewan Farm Security Act* to include definitions of "agreement for sale" in each.

This Act came into force on May 14, 2009

The Ambulance Amendment Act, 2009*
(Bill 49) Chapter 8

The amendments primarily update terminology, such as replacing references to "health districts" with the term "health regions" or "regional health authorities".

The amendments repeal provisions relating to the operation of ambulance boards and ambulance districts as these entities no longer exist. In addition, sections providing for grants for emergency medical services, provisions providing for the regulation of paramedics and transitional provisions are repealed.

This Act came into force on May 14, 2009.

The Arts Professions Act/Loi sur les professions artistiques
(Bill 68) Chapter A-28.002

This legislation defines professional artist and recognizes the contribution of artists to the cultural, social, economic, and educational life of the province. It provides for the Minister to establish a government policy respecting artists, and to set up advisory committees on any matter concerning professional artists.

The Act also mandates written contracts between professional artists and engagers. Written contracts are required to include the elements enumerated in the Act.

This Act will come into force on June 1, 2010.

The Condominium Property Amendment Act, 2009
(Bill 93) Chapter 10

The Condominium Property Amendment Act, 2009 facilitates multi-use developments. This Act:

- allows condominium corporations to be governed in sectors;
- facilitates titled parking stalls;
- continues the consumer protection requirement for one parking stall (either titled or exclusive use) for each residential unit as well as setting out the mechanisms for on-going compliance with this requirement;
- allows conversion of untitled parking spaces to titled parking units using a process to be set up in regulations;
- requires disclosure to potential purchasers relating to governance by sector and titled parking; and
- creates services units that are units that contain facilities that are often contained in common property for the use of all owners.

Section 10 came into force on September 1, 2009. The balance of the Act will come into force on proclamation.

The Corporation Capital Tax Amendment Act, 2009
(Bill 88) Chapter 11

These amendments provide the Lieutenant Governor in Council the authority to grant remissions on corporation capital tax to financial institutions that encounter a capital tax liability as a result of the acquisition by amalgamation of the assets of a non-financial corporation. Remissions are to be granted on an annual basis, may be conditional, and may be total or partial. This change is effective for amalgamations occurring on or after July 1, 2008.

This Act came into force on May 14, 2009.

The Credit Union Amendment Act, 2009*
(Bill 45) Chapter 12

This Act modifies the composition of the Credit Union Deposit Guarantee Corporation (CUDGC) board. The result of the amendments is a seven person board comprised of three independent members, two Government of Saskatchewan members and two credit union affiliated members.

This Act came into force on May 14, 2009.

The Education Amendment Act, 2009/Loi de 2009 modifiant la Loi de 1995 sur l'éducation*

(Bill 67) Chapter 13

Sections 23, 24, 36 and 48 amended on Third Reading. Sections 31, 32 and 38 defeated on Third Reading, and the remaining section re-numbered accordingly.

This legislation:

- in section 12, clarifies when the obligation arises to establish a school review committee;
- changes the titles for staff of boards of education from "secretary", "treasurer" or "secretary-treasurer" to "chief financial officer";
- provides for the Minister to maintain a public register respecting teachers' eligibility to teach;
- requires a municipality to pro rate property tax assessments between public and separate school divisions for companies without share capital that do not notify the municipality to assess their real property to the separate school division;
- establishes a process for the investigation and discipline of teachers who are not members of the Saskatchewan Teachers Federation, by the Ministry of Education;
- requires employers of teachers to notify the Minister if a teacher resigns, retires or is suspended or terminated because of conduct that affects the teacher's suitability to teach;
- permits elected members of boards of education to participate in board employee benefit programs;
- changes the date when school divisions must prepare their public accounts from February 28 to November 30.

Section 12 came into force on assent but is retroactive in effect to June 27, 2008. The provisions respecting the investigation and discipline of teachers will come into force on proclamation. The balance of the Act came into force on July 1, 2009.

The Education Amendment Act, 2009 (No. 2)/ Loi n° 2 de 2009 modifiant la Loi de 1995 sur l'éducation

(Bill 79) Chapter 14

This Act allows the Minister of Education to designate a school as a school of opportunity for up to three years, and allows for a school that had previously been designated, to have its designation extended from two to three years.

This Act came into force on May 14, 2009.

The Education Amendment Act, 2009 (No. 3)/Loi n° 3 de 2009 modifiant la Loi de 1995 sur l'éducation
(Bill 89) Chapter 15
Section 11 amended on Third Reading.

This Act repeals the authority of public boards of education to set school property tax mill rates and requires the Lieutenant Governor in Council to set the rates according to property classes. A separate school board of education may allow those rates to apply to the separate school assessed lands in its division or pass a bylaw determining its own rates. The Act prescribes procedures required to be followed by the Ministry of Education, municipalities and school boards to accommodate these changes.

The amendments require school divisions to obtain the Minister's consent before borrowing for capital or current operating expenses.

This Act came into force on assent but is retroactive in effect to April 1, 2009.

The Election Amendment Act, 2009*
(Bill 59) Chapter 16

This Bill provides that:

- in the 30 days prior to the issuance of a writ for a fixed date general election, no government ministry shall advertise with respect to the activities of the ministry, subject only to an exemption for emergency or compelling public safety information;
- in the 90 days prior to this new 30 day pre-writ restriction no government ministry shall advertise any information other than information that is intended to inform the public about programs and services for the benefit of Saskatchewan people or to address public safety issues;
- in the 120 days prior to the issuance of a writ for a fixed date general election, no government ministry shall spend more than the average monthly amount for advertising. Crown corporation advertising with respect to their competitive business interests is exempt from these advertising restrictions;
- in the 120 days prior to the issuance of a writ for a fixed date general election, no government ministry shall advertise in Saskatchewan information that is intended to promote the Government of Saskatchewan to audiences outside of Saskatchewan.

Changes are also made to the issuing of the election writ provisions to better accommodate counting back from the fixed election date rather than forward from the issuing of the writ in fixing the dates for a general election.

This Act came into force on May 14, 2009.

The Emergency 911 System Amendment Act, 2009
(Bill 99) Chapter 34

This Act provides that the province-wide radio communications network used by emergency service providers is part of the Sask911 system. The Act also makes some other minor amendments that are housekeeping in nature.

This Act came into force on December 3, 2009.

The Enforcement of Maintenance Orders Amendment Act, 2009/Loi de 2009
modifiant la Loi de 1997 sur l'exécution des ordonnances alimentaires*
(Bill 69) Chapter 17

This Act amends *The Enforcement of Maintenance Orders Act, 1997* to:

- allow the director to attach an annuity created by *The Workers' Compensation Act, 1979*;
- allow the director to seek an order for security from a payor;
- replace the terms "claimant" and "respondent" with "recipient" and "payor";
- give the director the discretion to collect less than the amount due under the court order, if the requirements in the Act are met;
- amend the summons for default hearing provision to clearly require a payor to appear personally at every adjournment of the default hearing;
- amend the warrant provision to specifically allow the court to direct a warrant if a payor fails to appear at an adjournment of the default hearing;
- establish a priority of maintenance debt over other unsecured debts in circumstances in addition to where money is realized pursuant to a writ; and
- allow the director to revive a driver's licence suspension within 12 months if the payor fails to comply with the payment arrangement.

This Act came into force on May 14, 2009.

The Income Tax Amendment Act, 2009
(Bill 87) Chapter 18

This bill:

- implements the conversion of the Research and Development Tax Credit from a non-refundable credit to a refundable credit;
- adjusts the provincial dividend tax credit rate for eligible dividends to maintain the effective provincial rate at 11%;
- clarifies eligible tuition fees for the purposes of the Graduate Retention Program to expand eligibility to non-Saskatchewan graduates;

- adjusts the provincial income limit for small businesses to maintain the effective provincial income limit at \$500,000;
- clarifies provisions respecting the non-refundable R&D Tax Credit.

This Act came into force on assent, but all of the provisions are retroactive in effect to specific dates except section 3, which came into force on January 1, 2010.

The Innovation Saskatchewan Act
(Bill 71) Chapter I-9.02

This new legislation establishes Innovation Saskatchewan as a corporation. Innovation Saskatchewan will facilitate the co-ordination and strategic direction of the government's support for research and development and science and technology, with the objective of fostering the development of new ideas, products and processes to ensure the long-term sustainable growth of the province's economy.

Innovation Saskatchewan has the power to accept funds granted or appropriated to it, enter into agreements, establish and operate undertakings and carry out activities for its purposes. The board of directors consists of the Minister Responsible for Innovation and six other individuals appointed by the Lieutenant Governor in Council.

This Act came into force on November 2, 2009.

The Labour Market Commission Amendment Act, 2009*
(Bill 46) Chapter 19

The objects of the Commission are expanded so that it will provide advice to both the Minister and Enterprise Saskatchewan. The amendments also change the composition of the board of directors, to consist of 11 individuals:

- three individuals who represent labour;
- three individuals who represent business;
- three individuals who represent post-secondary educational institutions;
- one individual to represent Enterprise Saskatchewan; and
- one other individual to represent the public.

This Act came into force on July 15, 2009.

The Labour-sponsored Venture Capital Corporations Amendment Act, 2009
(Bill 84) Chapter 20

This Act increases the provincial tax credit for federally registered funds from 15 percent on the first \$3,500 invested to 20 percent on the first \$5,000 invested, per investor per year.

This Act came into force on May 14, 2009.

The Land Titles Amendment Act, 2009*
(Bill 57) Chapter 21

This Bill amends *The Land Titles Act, 2000* to:

- provide for compensation to lenders in a fraudulent transaction where they have met the due diligence standard for the lending and are not otherwise insured;
- facilitate compensation in excess of title value for an original home owner who loses title in a fraud and encounters additional costs and expenses in securing a replacement title;
- provide for the establishment and maintenance of the Saskatchewan Grants Directory by the registrar of titles;
- provide for the limitation of fractional ownership of mineral titles; and
- expand the discretion of the Registrar with respect to the establishment of special fees for specific client services.

Sections 1 and 2, clauses 3(c) and (d), sections 4, 7, 8, 10, 17 and 19 to 21, subsections 23(2), (5), (6) and (7) and section 24 came into force on December 15, 2009. The balance of the Act will come into force on proclamation.

The Local Government Election Amendment Act, 2009*
(Bill 61) Chapter 22

Section 35 amended on Third Reading

This Act:

- amends a number of definitions to clarify that they do not apply to elections in rural municipalities and instead provides specific definitions in Part VIII that apply to elections in rural municipalities;
- clarifies the residency requirements for voter and candidate eligibility;
- allows a municipality to withhold the return of a candidate's deposit until he or she complies with a bylaw requiring disclosure of campaign contributions and expenses;

- allows a councillor to stand as a candidate in a by-election for mayor without resigning as councillor. A successful candidate is deemed to have resigned as councillor the day before being declared elected as mayor;
- reduces the minimum time for opening a special poll from two hours to one hour;
- increases from 50 metres to 100 metres, the distance from a polling place within which election advertising is prohibited;
- revises the qualifications to be nominated, elected or hold office as a candidate for reeve or councillor in a rural municipality;
- permits a rural municipality to postpone a by-election to the next annual election;
- if the number of councillors in a rural municipality has been reduced to less than quorum, authorizes the Minister to appoint councillors who hold office until the vacancies are filled at an election;
- provides a process for rural municipalities to develop and use a voters' list;
- repeals the provision that allowed rural municipalities to sell voters' lists;
- adds a procedure for breaking a tie vote in a rural municipal election;
- makes a number of housekeeping changes.

Provisions applicable to school board elections came into force on July 1, 2009. The balance of the Act came into force on May 14, 2009.

The Miscellaneous Statutes (Bilingual) Amendment and Repeal Act, 2009 / Loi corrective (lois bilingues) de 2009*
(Bill 75) Chapter 4

This Act repeals obsolete provisions of bilingual statutes and makes minor amendments to other bilingual statutes.

This Act came into force on March 31, 2009.

The Miscellaneous Statutes (English) Amendment and Repeal Act, 2009*
(Bill 74) Chapter 5

This Act repeals obsolete statutes and provisions of English language statutes and makes minor amendments to other Acts.

This Act came into force on March 31, 2009.

The Miscellaneous Statutes (Education Property Tax) Repeal and Amendment Act, 2009

(Bill 90) Chapter 23

This legislation repeals *The Education Property Tax Credit Act* and makes consequential amendments to *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act* to accommodate the change to the establishment of mill rates pursuant to *The Education Amendment Act, 2009 (No.3)*.

This Act came into force on assent but is retroactive in effect to April 1, 2009.

The Missing Persons and Presumption of Death Act

(Bill 50) Chapter M-20.01

This Act repeals and replaces *The Absentee Act* to provide greater certainty for individuals preserving and administering the estates of missing persons. The Act also creates presumption of death provisions to assist individuals in the ultimate distribution of the property of a missing person where that person is not found despite efforts to the satisfaction of the court. Additional provisions:

- define "missing person";
- establish a clear role for the office of the Public Guardian and Trustee in the preservation and conservation of the estate of a missing person;
- allow the court to place restrictions and conditions on the property guardian of a missing person's estate;
- set out the powers and duties of a property guardian, including the requirement to provide an annual and final accounting;
- allow for the removal and appointment of a property guardian; and
- create an access to information provision to assist families in determining assets, and the police in investigations.

This Act came into force on September 28, 2009.

The Municipal Grants Act

(Bill 85) Chapter M-28.1

Clause 2(d) amended on Third Reading

This Act replaces *The Municipal Revenue Sharing Act* and provides the legal framework for government to make grants to municipalities and to other recipients for municipal purposes. Program details are set out in the regulations.

The Act also includes significant consequential amendments to *The Northern Municipalities Act* with respect to payment of grants to northern municipalities and the use of the funds in the Northern Municipal Trust Account.

This Act came into force on April 1, 2009.

The Pipelines Amendment Act, 2009*
(Bill 47) Chapter 24

This amendment expands the definition of pipeline to include a pipe or system of pipes used for the transportation of carbon dioxide.

This Act came into force on May 14, 2009.

The Profits of Criminal Notoriety Act
(Bill 94) Chapter P-28.1

The Profits of Criminal Notoriety Act provides for a process to prevent the financial exploitation of the notoriety of certain crimes. Except as allowed pursuant to this Act, no person shall pay consideration under a contract for the recounting of a crime. That consideration will instead be paid to the Crown. Similarly, no person shall accept consideration under a contract for the recounting of a crime, and any money paid or payable to that person must be sent or directed to the Crown. Consideration provided to the Crown will then be provided to the victims of that crime or to the Victims' Fund.

A party to a contract for the recounting of a crime may apply to the court to allow consideration to be paid and kept in accordance with the contract where the court is satisfied that the recounting has value to society despite the importance of preventing exploitation of criminal notoriety. The Act does not apply to a contract for the recounting of a crime entered into for law enforcement purposes, in support of crime prevention or in support of victim services programs.

The Act also removes profits gained from the sale of memorabilia where that profit is increased by the criminal notoriety of an individual. This includes autographs, personal objects and objects related to a designated crime.

This Act applies to a contract for the recounting of a crime if the crime was committed in Saskatchewan or was committed outside of Saskatchewan, if consideration under the contract is paid or payable to or by a resident of Saskatchewan or to a person serving a sentence of imprisonment in a correctional facility in Saskatchewan.

This Act came into force on May 14, 2009.

The Protection of the Wild Ponies of the Bronson Forest Act
(Bill 606) Chapter P-29.2
Section 6 amended on Third Reading

This Act protects the wild ponies of the Bronson Forest and makes it an offence to wilfully molest, interfere with, hurt, capture or kill any of the wild ponies.

This Act came into force on December 3, 2009.

The Provincial Court Amendment Act, 2009*
(Bill 51) Chapter 25

This bill provides for the Judicial Council to retain jurisdiction over judges on disciplinary matters for two years after they resign. Other amendments provide detail respecting the valuation and division of a judge's pension on spousal relationship breakdown.

This Act came into force on May 14, 2009.

The Queen's Bench Amendment Act, 2009 / Loi de 2009 modifiant la Loi de 1998 sur la Cour du Banc de la Reine
(Bill 92) Chapter 26

This Act provides that where the holder of a tax free savings account (TFSA) dies, the amount in the account can be paid to a designated person rather than being considered an asset of the holder's estate.

This Act came into force on May 14, 2009.

The Saskatchewan Financial Services Commission Amendment Act, 2009
(Bill 86) Chapter 27

The amendments to *The Saskatchewan Financial Services Commission Act*:

- establish the Saskatchewan Financial Services Commission Fund. The revenue derived from the fees charged to regulated entities under financial services legislation will flow into the fund and be used to pay the operating expenses of the Commission; and
- clarify the role of the Saskatchewan Financial Services Commission (SFSC) with respect to the administration of *The Securities Act, 1988* by making a series of consequential amendments to reflect that the SFSC now performs the functions of the former Securities Commission.

This Act came into force on July 1, 2009.

The Saskatchewan Housing Corporation Amendment Act, 2009*
(Bill 63) Chapter 28

The amendments expand the number of individuals sitting on the board of directors of the corporation from one to not less than five, appointed by the Lieutenant Governor in Council. One member of the board is to be appointed chairperson and another appointed vice-chairperson.

This Act came into force on May 14, 2009.

The Seizure of Criminal Property Act, 2009*
(Bill 65) Chapter S-46.002

The Seizure of Criminal Property Act, 2009 provides that where property is either the proceeds of unlawful activity or being used for an unlawful activity, that property is subject to forfeiture by order of the court. Parties with an interest in that property have an opportunity to be heard prior to liquidation. This Act repeals *The Seizure of Criminal Property Act* and:

- provides for the designation of a director and asset manager;
- provides search and seizure provisions for the purposes of retention and protection of property and enforcement of the legislation;
- dedicates the funds generated through the seizure and sale of property to cover the expenses of an application under the Act with any surplus split between the Victims' Fund and police operations;
- provides that applications for forfeiture will now be brought by the Crown rather than chiefs of police; and
- establishes a centralized process for the seizure and sale of property seized under this Act, under the *Criminal Code of Canada*, or under provincially administered legislation or programs.

This Act came into force on July 1, 2009.

The Senate Nominee Election Act
(Bill 60) Chapter S-46.003

This Bill will authorize elections to be held to elect individuals to be put forward as the Saskatchewan nominees for appointment to the Senate. The number of nominees to be elected would be set by Order in Council depending on the number of Senate seats that are available or that may be coming available in the immediate future.

The qualifications for a nominee are primarily those established by the constitutional requirements for a senator. The Bill provides that a Senate nominee election would be conducted at the same time as a provincial or federal general election or on any other date set by Order in Council. The decision to hold a Senate nominee election would not be automatic with every provincial or federal general election if it was not viewed as necessary to identify additional nominees at that time.

The term of a Senate nominee would run from one Senate nominee election to the next. A Senate nominee may run as an independent or as a representative of a federal political party. The Bill adopts *The Election Act, 1996* process and terminology as much as possible in the conduct of voting, enumeration, balloting, final count and return of the writ, etc.

The results of the election would determine the candidates and the order of preference in which they would be recommended for appointment based on the number of votes

they each received. If only one candidate ran for the election, he or she would be acclaimed. If there were two or more candidates, then the election would be held to determine the order of preference for recommendation.

This Act will come into force on proclamation.

The Summary Offences Procedure Amendment Act, 2009*
(Bill 70) Chapter 29

This Act provides authority for the Minister of Justice to enforce restitution orders on behalf of victims.

This Act came into force on May 14, 2009.

The Traffic Safety (Drivers' Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009
(Bill 116) Chapter 35

This Act provides that a driver's license expires five years from the date of issue, unless another date is set out on the license.

It also provides that no driver shall use hand-held electronic communications equipment while driving a motor vehicle on a highway to make phone calls, text, talk, email or surf or access the Internet or for any other purpose prescribed by regulation. New drivers may not use electronic equipment of any kind while driving. There is an exception for drivers using electronic communications equipment to report an emergency to a police service, a fire department or emergency medical services or to request an ambulance.

The provisions prohibiting hand-held electronic communications equipment while driving came into force on January 1, 2010. The provisions respecting the five year driver's licence will come into force on January 1, 2011.

The Traffic Safety (Maintenance Workers - Gallenger) Amendment Act
(Bill 605) Chapter 30

This amendment creates an offence for driving a vehicle on a highway at a speed greater than 60 kilometres per hour when passing any highway equipment on the highway that has its warning lights in operation, whether it is in motion or not.

This Act came into force on July 1, 2009.

The Traffic Safety (Volunteer Firefighters) Amendment Act
(Bill 82) Chapter 2

This amendment revises the list of emergency vehicles to include vehicles designated by municipalities that are being used by volunteer firefighters or first responders in response to an emergency. This designation allows the vehicles to be operated contrary to the Act, the regulations or a traffic bylaw if: an emergency exists; its emergency lights are in operation; and it is necessary in the circumstances to do so. It also gives that vehicle the right of way over all other vehicles on the highway.

This Act came into force on April 1, 2009.

The Trespass to Property Act
(Bill 43) Chapter T-20.2

The Trespass to Property Act creates offences where persons, without lawful authority:

- enter posted or enclosed lands or other premises without the consent of the occupier;
- enter lands or other premises, even if not posted or enclosed, after being requested not to do so by the occupier;
- engage in prohibited activities on lands or other premises without the consent of the occupier;
- fail to leave lands or other premises after being requested to do so by the occupier;
- fail to discontinue an activity on lands or other premises after being requested to do so by the occupier; and
- after leaving lands or other premises or discontinuing an activity pursuant to the request of an occupier, return to the premises or resume the activities.

The legislation provides that lawful authority is a defence to a charge of trespass. A number of specific exemptions are listed, including entering land to conduct electrical inspections and lawful hunting and fishing.

This Act came into force on July 1, 2009.

The Trustee Act, 2009*
(Bill 52) Chapter T-23.01

This new Act replaces *The Trustee Act*. This new legislation:

- modernizes the Act to reflect current trustee practices and principles, including updating the language of the Act;
- establishes an explicit duty of care for trustees and distinguishes between the standard of care for non-professional and professional trustees;

- provides that an interested person, including a beneficiary, can apply to court for an order respecting the trust;
- provides that trustees must not be in a conflict of interest;
- allows trustees to engage agents for actions required in the administration of the trust and requires trustees to supervise agents;
- sets out grounds for removal of trustees, including resignation, refusal to act, lack of capacity, being a minor, criminal conviction and bankruptcy;
- makes non-judicial appointment and removal of a trustee a practical alternative to a court application;
- provides that trustees have the necessary administrative powers to manage trust property on behalf of beneficiaries, including the ability to: carry on a business; improve, maintain and repair trust property; purchase a dwelling for beneficiaries; insure trust property; and borrow money;
- abolishes the rule against perpetuities;
- repeals *The Variation of Trusts Act*, and includes the provisions in this Act; and
- amends a number of other statutes that adopt the principles of *The Trustee Act* to refer to the new Act.

Sections 1 to 64, 68, 69 and 71 came into force on January 1, 2010. Sections 65, 66, 67 and 70 will come into force on the day on which the Acts they are amending come into force.

The Trustee Consequential Amendments Act, 2009 / Loi de 2009 portant modifications corrélatives à la loi intitulée The Trustee Act, 2009*
(Bill 56) Chapter 6

This Act is consequential to *The Trustee Act, 2009*. It amends the three bilingual Acts that adopt the principles of *The Trustee Act*.

This Act came into force on January 1, 2010.

The University of Saskatchewan Amendment Act, 2009*
(Bill 73) Chapter 31

This Act changes the process for the selection of a chancellor, removes the provision that graduates vote for the chancellor, expands the term limit for government appointed board members to three terms and no longer appoints the Lieutenant Governor as Visitor to the University.

This Act came into force on May 14, 2009.

The Vital Statistics Act, 2009 / Loi de 2009 sur les services de l'état civil*
(Bill 54) Chapter V-7.21

Sections 2, 20, 21, 22, 24, 27, 29, 44 to 47 and 53 amended on Third Reading.

This new Act replaces *The Vital Statistics Act, 1995*, *The Vital Statistics Amendment Act, 1998* (unproclaimed) and *The Vital Statistics Act, 2007* (unproclaimed). The new legislation recognizes the transfer of vital statistics operations to Information Services Corporation. This legislation modernizes and streamlines the vital event registration process in a number of ways, including:

- providing authority for the submission of electronic statements of live birth, stillbirth and death;
- allowing "other parents" to be included on a statement of live birth or stillbirth;
- creating transparent rules regarding access to information;
- providing authority for the Registrar and the Corporation to enter into information exchange and information disclosure agreements with other government departments and agencies;
- removing Division Registrars from the live birth, stillbirth and death registration processes; and
- providing authority for the maintenance of electronic registries and indexes of vital event registrations.

Sections 2, 7 and 8, Part III, sections 18 to 27, 29, 30 and 62, subsections 63(1), (2), (3) and (7), sections 64, 65, 69 and 70, Parts IX, X and XI except section 105, sections 115 and 117, and only that portion of section 110 that repeals sections 4 to 12 and 14, subsections 42(1), (2), (3), (11) and (12) of *The Vital Statistics Act, 1995* came into force on August 31, 2009. The balance of the Act will come into force on proclamation.

The Vital Statistics Consequential Amendments Act, 2009*
(Bill 55) Chapter 32

The Vital Statistics Act, 2009 contains several consequential amendments to bilingual statutes. This Act contains the consequential amendments to English-only legislation required to implement *The Vital Statistics Act, 2009*.

This Act will come into force on the day on which section 1 of *The Vital Statistics Act, 2009* comes into force.

The Wildlife Habitat Protection Amendment Act, 2009*
(Bill 76) Chapter 33

This Act amends the Schedule to *The Wildlife Habitat Protection Act* to withdraw designated lands from the Act.

This Act came into force on May 14, 2009.

The Witness Protection Act
(Bill 66) Chapter W-14.2

This new Act creates a legislative framework from which a witness protection program can be established. The Act will protect individuals who are not currently protected within the scope of the federal *Witness Protection Program Act*. The new Act:

- establishes an approval committee to review and determine any applications for protection services, and review any decisions to terminate protection services;
- allows for the provision of protection services for witnesses who meet the eligibility requirements set out in the Act;
- establishes an application process and the necessary information to be considered for protection services;
- allows for the protection of associated persons and family members of witnesses; and
- limits disclosure of information related to witnesses that may reveal their identity or whereabouts.

This Act came into force on September 1, 2009.

*These Bills were introduced in 2008 but not passed until 2009. The short titles of these Bills were corrected by the Office of the Law Clerk and Parliamentary Counsel, to indicate the year in which the Act was passed and received Royal Assent.

